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SENATE

REPORT
No. 98–107

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION OCEAN AND COASTAL PROGRAM AUTHORIZATION ACT

MAY 16, 1983.—Ordered to be printed

Mr. PACKWOOD, from the Committee on Commerce, Science, and Transportation, submitted the following

REPORT

[To accompany S. 1098]

The Committee on Commerce, Science, and Transportation, to which was referred the bill (S. 1098) to consolidate and authorize certain ocean and coastal programs and functions of the National Oceanic and Atmospheric Administration under the Department of Commerce, having considered the same, reports favorably thereon with an amendment and recommends that the bill do pass.

PURPOSE OF BILL

The purpose of this bill is to authorize appropriations for several ocean and coastal programs of the National Oceanic and Atmospheric Administration (NOAA) for fiscal years 1984. This bill, together with S. 1100, will allow the Committee to consider, guide and direct the activities in NOAA's ocean and coastal programs.

BACKGROUND AND NEEDS

This bill is one of a series which together provide a comprehensive authorization for NOAA under the Department of Commerce.

NOAA was created by Executive order in 1970 with the primary responsibility for most of the Federal Government's civilian research, service and regulatory programs affecting the Nation's oceans and atmosphere. The work of NOAA is critical for efficient weather forecasting and the sound management and productive use of the Nation's ocean and coastal resources.

Included among these programs are those administered by the National Weather Service, the National Ocean Survey, the National

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Marine Fisheries Service, the Office of Coastal Zone Management, and the Office of Sea Grant.

The scope of NOAA's responsibilities has increased considerably in the 13 years since its formation. In the decade of the 1970's, national concern for the environment and an awareness of ever increasing demands on our oceanic and atmospheric resources were reflected by the enactment of a significant number of legislative initiatives aimed at enhancing environmental protection and promoting wise management of these resources. Several programs under NOAA were established by these new laws, including:

1. The Marine Mammal Protection Act;
2. The Marine Protection, Research and Sanctuaries Act;
3. The National Ocean Pollution Planning Act;
4. The Endangered Species Act;
5. The Magnuson Fishery Conservation and Management Act; and
6. The Coastal Zone Management Act of 1972.

This piecemeal growth brought with it a patchwork of authorization bills for the agency. Virtually the entire funding authority for the programs inherited by NOAA in 1970 could be traced to several dozen acts, all of which provided permanent authorizations. In fact, 85 percent of NOAA's appropriations have been provided pursuant to permanent authorizations.

The other 15 percent of the agency's funding is covered by miscellaneous annual authorization acts. These annual authorization acts have little discernible relationship to the NOAA budget structure. This makes it difficult for authorization provisions to affect actual programmatic funding levels.

In response to this situation, the Committee began last year to review all the agency's programs with the goal of enacting regularly expiring authorization legislation covering the entirety of NOAA. This goal stemmed from two factors:

1. The desire to play an active role in deciding how agency programs would be carried out and how all its funds would be spent; and
2. The desire to create a rational connection between the NOAA budget structure and all existing annual authorizations affecting the agency's mission.

Earlier legislative attempts were made to achieve this goal. In 1982, the Committee reported S. 2605, the "National Oceanic and Atmospheric Administration Authorization Act". This bill, the first attempt at a comprehensive authorization bill for NOAA, assembled various ocean and coastal, atmospheric and satellite, fisheries, and program support activities into a single bill. A somewhat less comprehensive authorization bill, H.R. 6324, the "Atmospheric, Climatic, and Ocean Pollution Act of 1982" was passed by the House during the 97th Congress. Both bills encountered jurisdictional problems in the Senate and the House and were not enacted.

The new structure provided by the NOAA bills ordered reported by the Committee on April 21, 1983 achieves the Committee's goal of having annual authorizations covering all of NOAA. It is the Committee's intent that the agency use these acts as its basis for appropriation requests in the future. At the same time, it should be noted that the Committee has proposed no statutory prohibition on appropriation requests being made pursuant to any other law. However, the

Committee expects that these other acts would only be used as authority for appropriations in special cases where the task NOAA wishes to carry out is so specific that its funding can only be justified by reference to an existing standing authorization not mentioned in this bill. In addition, if such a situation should arise, the Committee expects that it will be promptly notified by the appropriate officials of the Department of Commerce.

Legislative History

The Committee on Commerce, Science, and Transportation held 3 days of hearings on four program areas within NOAA. These were ocean and coastal programs on February 28; fishery programs on March 10; and atmosphere and satellite programs, and program support on March 14, 1983. Testimony on the ocean and coastal programs in this bill was received from 4 witnesses including experts from industry, academia, and government. The Committee reported S. 1098 by unanimous consent on April 21, 1983.

Summary of Major Provisions

The National Oceanic and Atmospheric Administration Ocean and Coastal Program Authorization Act includes three activities which require reauthorization for fiscal year 1984 and one program which is under standing authorization.

The bill contains a 2-year reauthorization for the following acts:

1. the National Sea Grant College Program Act (33 U.S.C. 1121);
2. the Ocean Thermal Energy Conservation Act (42 U.S.C. 9101); and
3. the National Advisory Committee on Oceans and Atmosphere Act of 1977 (33 U.S.C. 857–13).

The authorization of appropriations for fiscal year 1984 are provided for the nonliving marine resources activities which are currently under a standing authorization.

Estimated Costs

In accordance with paragraph 11(a) of rule XXVI of the Standing Rules of the Senate and section 403 of the Congressional Budget Act of 1974, the Committee provides the following cost estimate, prepared by the Congressional Budget Office:

U.S. Congress,
Congressional Budget Office,
Washington, D.C., April 26, 1983.

Hon. Bob Packwood,
Chairman, Committee on Commerce, Science, and Transportation, U.S. Senate, Dirksen Senate Office Building, Washington, D.C.

Dear Mr. Chairman: Pursuant to Section 403 of the Congressional Budget Act of 1974, the Congressional Budget Office has prepared the attached cost estimate for S. 1098, the National Oceanic and Atmospheric Administration Ocean and Coastal Program Authorization Act.

Should the Committee so desire, we would be pleased to provide further details on this estimate.

Sincerely,

ALICE M. RIVLIN,
Director.

CONGRESSIONAL BUDGET OFFICE—COST ESTIMATE

APRIL 26, 1983.

1. Bill number: S. 1098.

2. Bill titile: National Oceanic and Atmospheric Administration Ocean and Coastal Program Authorization Act.

3. Bill status: As ordered reported by the Senate Committee on Commerce, Science and Transportation, April 21, 1983.

4. Bill purpose: This bill authorizes the appropriation of $45 million for fiscal year 1984 and $47 million for fiscal year 1985 for the National Oceanic and Atmospheric Administration to administer ocean and coastal programs including the national sea grant college program, ocean thermal energy conversion activities, the National Advisory Committee on Oceans and Atmosphere activities, and nonliving marine resources programs. In addition, the bill authorizes the appropriation of such additional sums as may be necessary for increases in salary, pay, and other employee benefits.

5. Estimated cost to the Federal Government:

[By fiscal years, in millions of dollars]

Authorization level:	1984	1985	1986	1987	1988
Specified (function 300)	44.6	47.3	.....	.....	.....
Estimated (function 920)	1.1	1.0	.....	.....	.....
Total	45.7	48.3	.....	.....	.....
Estimated outlays:					
Function 300	30.3	44.2	14.1	2.3	1
Function 920	1.0	1.0	.1	.....	.....
Total	31.3	45.2	14.2	2.3	1

Basis of Estimate: Specified authorizations are as stated in the bill. Additional authorizations for pay were estimated consistent with CBO's baseline projections. For purposes of this estimate, authorized levels were assumed to be appropriated prior to the start of each fiscal year. Outlays were estimated based on historical spending patterns for these and similar programs.

6. Estimated cost to State and local Governments: None.

7. Estimate comparison: None.

8. Previous CBO Estimate: On April 19, 1983, CBO prepared a cost estimate for H.R. 1634, a bill to authorize appropriations to carry out the National Sea Grant College Program for fiscal years 1984 and 1985, as ordered reported by the House Committee on Merchant Marine and Fisheries, April 13, 1983. The authorizations in that bill of $42 million for 1984 and $46 million for 1985 were identical to the sea grant authorizations contained in S. 1098.

On April 20, 1983, CBO prepared a cost estimate for H.R. 1381, a bill to amend the Ocean Thermal Energy Conversion Act of 1980 to

provide for additional authorizations, an for other purposes, as ordered reported by the House Committee on Merchant Marine and Fisheries, April 13, 1983. That bill authorized the appropriation of $620,000 for fiscal year 1984 and $800,000 for 1985 as compared to authorizations in S. 1098 of $620,000 for each of fiscal years 1984 and 1985 for that program.

9. Estimate prepared by: Anne E. Hoffman.

10. Estimate approved by:

JAMES L. BLUM,
Assistant Director for Budget Analysis.

REGULATORY IMPACT STATEMENT

In accordance with paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee provides the following evaluation of the regulatory impact of the legislation: The bill, as reported, merely provides the vehicle to annually authorize appropriations much of which have previously been funded pursuant to standing authorization and will result in no new regulatory burdens. The part of the nonliving marine resources subactivity that has previously been funded under standing authorization will now be funded pursuant to this act.

SECTION-BY-SECTION ANALYSIS

Section 1.—Short title

The first section of the bill provides that the act may be cited as the "National Oceanic and Atmospheric Administration Ocean and Coastal Program Authorization Act".

Section 101.—Nonliving marine resources authorization

The Committee supports continued basic research on polymetallic sulfides, and the necessary licensing and environmental research functions of ocean thermal energy conversion. To this end, subsection (a) of this bill authorizes $1,300,000 to be appropriated for fiscal year 1984 for nonliving marine resources. This budget subactivity has in the past been partially carried out pursuant to standing authorization under "An Act to define the functions and duties of the Coast and Geodetic Survey, and for other purposes" (33 U.S.C. 883a).

This authorization may also be used to cover duties relating to nonliving marine resources specified by any other existing statute.

Subsection (b) clarifies that the $1,300,000 authorized in subsection (a) is in addition to moneys authorized under the following annual authorizations:

1. The Deep Seabed Hard Mineral Resource Act (30 U.S.C. 1401); and

2. The Ocean Thermal Energy Conversion Act of 1980 (42 U.S.C. 9101).

Section 201.—National Sea Grant College Program Act authorization

Subsection (a) authorizes $42 million to be appropriated for fiscal year 1984 and $46 million for fiscal year 1985 for the National Sea Grant College Program Act.

Subsection (b) of Section 201 of the bill as reported contains a technical amendment by the Committee to correct the reference to that part of section 3 of the Sea Grant Program Improvement Act of 1976 which is to be amended. The bill as reported allows up to $1 million of the authorized appropriation to be available in fiscal years 1984 and 1985 to carry out Sea Grant's international program.

The Committee feels that the Sea Grant program has justified continued support by its successful and cot-effective operation. Its marine advisory services, marine education, applied and basic research programs are beneficial to small businesses, especially the fishing industry. The Committee supports increased funding of the National Sea Grant College Program Act to more fully realize the demonstrated potential of this program.

In congressional hearings this year, firm support for the international program was received from several witnesses. This program offers unique opportunities for cooperative research, and is funded on a matching basis with participating academic institutions. It is the Committee's intent that this program be adequately funded as part of the overall National Sea Grant program.

Section 301.—Ocean Thermal Energy Conversation Act authorization

This section reauthorizes the Ocean Thermal Energy Conversion Act and authorizes appropriations of $620,000 for fiscal year 1984 and $620,000 for fiscal year 1985. The Committee believes that the act provides a stable governmental framework for ocean thermal energy conversion licensing and environmental research from which private sector development of this alternate energy source can emerge.

Section 401.—National Advisory Committee on Oceans and Atmosphere Act of 1977

This section reauthorizes the National Advisory Committee on Oceans and Atmosphere Act of 1977 and authorizes appropriations of $630,000 for fiscal year 1984 and $630,000 for fiscal year 1985. The National Advisory Committee on the Oceans and Atmosphere Act (NACOA) reviews the Nation's marine and atmospheric policies and programs; reports to the President and the Congress annually and by special reports; and advises the Secretary of Commerce on the purposes of NOAA. The Committee supports full funding of NACOA due to its importance as an independent advisor to the Congress.

Section 501.—Pay increase authorization

This section permits appropriations to accommodate legislated boosts in pay and other employee benefits which result in increased costs to carry out the NOAA duties covered in this bill.

Changes in Existing Law

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new material is printed in italic, existing law in which no change is proposed is shown in roman):

SEA GRANT PROGRAM IMPROVEMENT ACT OF 1976

Section 3 of that Act

Sec. 3. International cooperation assistance.

(a)–(b) * * *

(c) AUTHORIZATION FOR APPROPRIATIONS.—There are authorized to be appropriated for purposes of carrying out this section not to exceed the following amounts:

(1) $3,000,000 for each of fiscal years 1977, 1978, and 1979.

(2) $5,000,000 for fiscal year 1980.

(3) Not to exceed $5,000,000 for fiscal year 1981, not to exceed $5,000,000 for fiscal year 1982, and not to exceed $5,000,000 for fiscal year 1983.

(4) For fiscal years 1984 and 1985, not to exceed $1,000,000 in each fiscal year appropriated pursuant to section 212 of the National Sea Grant College Program Act may be available to carry out this section.

Such sums as may be appropriated under this section shall remain available until expended.

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